

REMARKS

Applicant certainly appreciates the allowance of Claims 26-33 and suggestions offered by the Examiner to overcome the objections to Claims 4-7, 11, and 21-25 to put them in condition for allowance.

Applicant's system "passively" identifies objects by not requiring its own light source to illuminate the objects. Rather, the invention merely observes the natural light emissions from objects without projecting anything toward the objects. In addition, the signatures on the objects are encoded in a unique way: they are spectrally tailored to specific wavelengths to define a unique signature for each object. It is the uniqueness of each wavelength signature that distinguishes the objects from each other.

In contrast, the *Urbish* reference "actively" projects its own light toward objects to read a code on a car driving along a toll road. Col.2, ln.32-39; col.4, ln.29-30. *Urbish* requires its own light source 20 (Fig.1) to illuminate the codes on the cars. Abstract; col.2, ln.32-36; col.3, ln.52-55; col.4, ln.65-66; and Fig.3, item 50. Moreover, Claims 1, 4-6, and 10-12 of *Urbish* require or define a light source as a critical element of its design. *Urbish* also goes into detail how the light source must be of a certain type. Col.3, ln.52-col.4, ln.10. Thus, *Urbish* is inoperable without its own light source being projected on each vehicle.

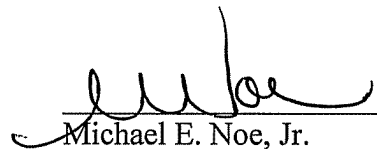
In addition, *Urbish's* system has a very short range from which it can operate, as shown by the distance between the lights 20 and the car in Fig.1. The reason *Urbish's* system will not work from greater distances is because it requires the light source to be accurate. Furthermore, the indicia used by *Urbish* is merely a bar code, binary code, icon, or alphanumeric text. Col.3, ln.39-51; and Claims 3 and 8. Importantly, it is the code itself that makes *Urbish's* indicia

unique—not the wavelengths of the light reflected by the indicia. Col.3, ln.40-44. Thus, every vehicle with *Urbish's* indicia reflects light at the same wavelength.

In contrast to the active system of *Urbish*, Applicant's Claim 1 is limited to a completely passive system that does not use its own source of light: "A system for passively and remotely identifying objects," "an optical imaging system for remotely and passively detecting and decoding the signatures," and "a scanning system that passively detects light emanating from the signatures." Since Claim 1 is passive by not requiring its own light source and *Urbish* must use its own light source, Claim 1 is allowable over that reference for this element alone. In addition, Claim 1 also requires that the signatures be "spectrally tailored to define a unique signature for each of the objects...in respective, specific wavelength bands." Thus, the uniqueness of each signature is not found in codes (like *Urbish*) but in the wavelengths at which light is reflected from the indicia.

It is respectfully submitted that the claims are in condition for allowance and favorable action is requested. The commissioner is hereby authorized to charge any additional fees that may be required to **Bracewell & Giuliani LLP's Deposit Account Number 50-0259**.

Respectfully submitted,



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